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8 UNITED STATES DISTRICT COURT
9 WESTERN DISTRICT OF WASHINGTON
10 AT TACOMA

11 GEORGE W. KYNISTON,

12 Plaintiff,

13 v.

14 MICHAEL J. ASTRUE, Commissioner of
15 the Social Security Administration,

16 Defendant.

CASE NO. 11-cv-6072 JRC

ORDER ON STIPULATED MOTION
FOR EQUAL ACCESS TO JUSTICE
ACT FEES, EXPENSES AND COSTS

This Court has jurisdiction pursuant to 28 U.S.C. § 636(c), Fed. R. Civ. P. 73 and Local

Magistrate Judge Rule MJR 13 (*see also* Notice of Initial Assignment to a U.S. Magistrate Judge

and Consent Form, ECF No. 7; Consent to Proceed Before a United States Magistrate Judge,

ECF No. 8). This matter is before the Court on Plaintiff's Stipulated Motion for Attorney's Fees

Pursuant to 28 U.S.C. § 2412 and for Costs Pursuant to 31 U.S.C. § 1304 and 28 U.S.C. § 1920

(*see* ECF No. 24).

Based on the Equal Access to Justice Act, 28 U.S.C. § 2412, (hereinafter "EAJA") and

the stipulation of the parties (*see* ECF No. 24), it is hereby ORDERED that attorney's fees in the

1 amount of \$5,347.13, and expenses in the amount of \$19.20, for a total of \$5,366.33, shall be
2 awarded to Plaintiff pursuant to 28 U.S.C. § 2412(d) (EAJA), consistent with *Astrue v. Ratliff*,
3 130 S.Ct. 2521, 2524, 2010 U.S. LEXIS 4763 at ***6-***7 (2010). Plaintiff shall be awarded
4 costs in the amount of \$350.00 pursuant to 31 U.S.C. § 1304 and 28 U.S.C. § 1920.

5 If it is determined that Plaintiff's EAJA fees are not subject to any offset allowed under
6 the Department of the Treasury's Offset Program, then the check for EAJA fees shall be made
7 payable to Christopher H. Dellert, based on Plaintiff's assignment of these amounts to Plaintiff's
8 attorney. The checks for EAJA fees and costs shall be mailed to Plaintiff's counsel, Christopher
9 H. Dellert, at Dellert Baird Law Offices, PLLC, 9481 Bayshore Dr. NW, #203, Silverdale, WA,
10 98383.

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12 Dated this 23rd day of November, 2012.

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15 J. Richard Creatura
16 United States Magistrate Judge
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